

REMARKS

Applicants are in receipt of the Final Office action mailed on August 25, 2003 (Paper No. 10) and thank Examiner Rhee for her detailed examination of the application. Claims 1-12 are rejected. By this Amendment, claims 2, 5 and 12 have been amended and claims 1-12 remain pending. No new claims have been added. Favorable consideration is respectfully requested in light of the amendments and the following remarks.

Claims Rejected Under 35 U.S.C. §103

Claims 1-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,590,524 to Moore, III et al. (hereinafter referred to as "Moore") in view of U.S. Patent No. 5,958,603 to Ragland et al. (hereinafter referred to as "Ragland"). For at least the following reasons, Applicants respectfully traverse the rejection.

Applicants agree with the Examiner that Moore fails to disclose at least one edge portion of the heat shield comprises outwardly flared undulations, as positively recited in claim 1. Additionally, Applicants note Moore fails to disclose that the outwardly flared undulations define protuberances spaced apart along the one edge portion of the heat shield. The Examiner relies on Ragland to teach at least one edge of the heat shield comprising outwardly flared undulations and that the outwardly flared undulations define protuberances spaced apart along one edge portion of the heat shield. However, Ragland teaches a wall section 4 with five metal foil layers that are pleated together and folded on top of each other. The folds are then compressed on top of each other. *See col. 10, lines 27-29.*

In contrast to Ragland, the outwardly flared undulations of Applicants' claimed invention define protuberances spaced apart along the edge portion of the heat shield. The protuberances, by definition, thrust outward from the surrounding surface. Therefore, the compressed folds of Ragland cannot also thrust out like the protuberances of Applicants' claimed invention. Thus, Ragland teaches away from Applicants' claimed invention.

Further, the limitations of the dependent claims are also missing from the prior art. For example, amended claims 2 and 12 teach an outer boundary edge that is folded over so as to fully encase the mating ends of the insulation layer and the inner metal layer. As seen in Figure 3 of Applicants' application, the insulation layer and the inner metal layer end at substantially the same location and the outer boundary edge fully encloses the two mating ends.

In contrast, Moore discloses a damped heat shield 10 mounted to an exhaust manifold 11 of an internal combustion engine 12. The heat shield is formed from three metallic or metal

layers. The inner layer 14 is bent back upon itself at 18 and extends to a free end 19. Similarly, the interior aluminum layer 16 is formed with a reverse bend at 21 and extends to a free end 22. Finally, outer layer 13 is formed with a reverse bend at 23 and extends to a free end 24. The free ends 19, 22 and 24 are offset a distance from each other. Moreover, the free ends 19 and 22 are not encased by the outer layer 13, as specifically claimed by the Applicants. *See col. 5, lines 2-8.*

Accordingly, Moore, taken individually or in combination with Ragland, does not disclose, teach or suggest all the claim limitations of Applicants' claimed invention as required under 35 U.S.C. §103(a). Withdrawal of the rejection is respectfully requested.

CONCLUSION

Pursuant to the Office Action and the comments above, it is believed the application is now in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

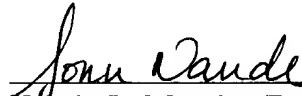
Respectfully submitted,

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